

**TOWN OF EAST WINDSOR  
INLAND WETLANDS WATERCOURSE AGENCY**

**Regular Meeting – June 6, 2012**

**\*\*\*\*\*Draft Document – Subject to Commission Review\*\*\*\*\***

**CALL TO ORDER:** Chairman Savaria called the Meeting to order at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

**ESTABLISHMENT OF QUORUM:**

**Present:** Regular Members Ron Savaria (Chairman), Michael Koczera, John Malin, Richard Osborn, Michael Sawka, Robert Slate, and Alternate Member Kathryn Roloff.

**Unable to Attend:** All members were present.

**Guests:** Selectman Richard Pippin (Inland/Wetlands Liaison); Selectman Dale Nelson; Board of Finance Member Kathy Pippin.

Chairman Savaria noted the establishment of a quorum with six Regular and one Alternate Member as noted above. All Regular members will sit in on votes this evening. If, for any reason, a Regular Member must step down from service, Alternate Member Roloff will serve in the recused member's place.

Also in attendance was Wetlands Agent/Zoning Enforcement Officer Robin Newton.

**AGENDA ADDITIONS:** None.

**APPROVAL OF MINUTES – May 2, 2012:**

**MOTION:** To APPROVE the Minutes of Regular Meeting dated May 2, 2012 as written.

**Slate moved/Osborn seconded/VOTE:** In Favor: Unanimous

**NEW APPLICATIONS TO BE RECEIVED:** None

**MOTION:** To TAKE THE AGENDA ITEMS OUT OF ORDER to hear NEW BUSINESS, Item 1) As-of-Right Connwood Foresters, Inc. for Connecticut Water Company, and Item 2) #7-2012 Donald Wagner – Activities at 202 Main Street, East Windsor prior to the Public Hearing.

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**Slate moved/Osborn seconded/VOTE: In Favor: Unanimous**

**NEW BUSINESS/1) As-of-Right Connwood Foresters, Inc. for Connecticut Water Company** – Timber Harvest at 41 Mahoney Road, Broad Brook. Assessor's Map 086, Block 30, Lot 072 (65 day Application period ends 7/6/2012):

Chairman Savaria read the description of this Item of Business. Appearing to discuss the proposal was Peter Lesmerises, Forester Agent for Connwood Foresters, Inc.

Mr. Lesmerises reported they will be removing 345+/- trees from this location which contains approximately 26 acres. The activity is part of a continuing forest management program which has been undertaken by the Connecticut Water Company; a similar harvest occurred in 1993. This timber harvest – which equates to 13+/- trees per acre - will thin the existing forest. Mr. Lesmerises indicated the timber operation will include 2 temporary wetlands crossings: 1) one crossing requires the use of a portable bridge approximately 12' wide to support a skidder; and 2) the second crossing involves putting logs in a seasonal stream to keep the machinery level.

Mr. Lesmerises reported the project will go out to bid; he will then recommend a contractor to the Connecticut Water Company. Mr. Lesmerises will continue to monitor the harvesting operation; Town Staff will have access to inspect the site as well.

Chairman Savaria and Wetlands Agent Newton met with Mr. Lesmerises, who showed them around the site.

Wetlands Agent Newton referenced her memo dated 6/5/2012 to the Commission which explains the process for a Jurisdictional Ruling for an As-Of-Right activity for this timber process. Wetlands Agent Newton also provided the Commission with an additional aerial map highlighting the activities proposed. She concurred that the crossings will be from bank to bank, with no impact anticipated. The intermittent stream will only hold water during the rainy season. Wetlands Agent Newton noted that some of the Commissioners may have thought during discussion at the previous meeting that the log crossing was proposed on the other side of the river.

Commissioner Osborn requested clarification that even though this might be an As-Of-Right activity the Wetlands Agent can still make site visits to check the status of the operation? Wetlands Agent Newton concurred, noting that at any time someone is performing an activity which causes a violation they are subject to a Notice of Violation, even if it is an As-Of-Right activity. She queried the Commission if they had any problem with this activity being considered a blanket As-Of-Right Permit? None of the Commissioners raised opposition to such a determination.

**MOTION: The Commission considers the Application of Connwood Foresters, Inc. for Connecticut Water Company an As-of-Right Determination.**

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**Osborn moved/Slate seconded/**

**VOTE: In Favor: Koczera/Malin/Osborn/Savaria/Sawka/Slate  
Opposed: No one  
Abstained: No one**

**NEW BUSINESS/2) 7-2012 Donald Wagner – Activities at 202 Main Street, East Windsor** – Request to conduct regular activities to restore retention area to design specifications as per the As-Built submission. Assessor's Map 101, Block 12, Lot 30. (65 day Application period ends 8/10/2012):

Chairman Savaria read the description of this Item of Business. Appearing to discuss the proposal was Donald Wagner.

An As-Built, listing legible elevations, was submitted to the Commission. Mr. Wagner indicated his intent is to restore the retention area to the original As-Built plan.

Chairman Savaria questioned the purpose of the crushed glass which Mr. Wagner has spread in the area? Mr. Wagner suggested it's a material that's often used around drainage structures; he indicated DEEP (Department of Energy and Environmental Protection) calls it a free-form material. Chairman Savaria and Wetlands Agent Newton noted the crushed glass has been running into the drainage ditch. Mr. Wagner suggested he will take it out.

Town Engineer Norton was present in the audience; Wetlands Agent Newton asked if he had any questions for Mr. Wagner? Town Engineer Norton questioned if Mr. Wagner intended to put the standpipe back as the As-Built reflected? Mr. Wagner replied affirmatively.

Wetlands Agent Newton referenced her memo dated 6/5/2012, which includes the following requirements:

- The crushed glass should be removed.
- Permit to be valid for 2 years from the date of issuance.
- Activity approved by the Commission must be completed in 2 months from the time the work is commenced.
- An updated copy of As-Built to be provided to Commission upon completion of the approved work.

Chairman Savaria noted the Commission does NOT have erosion control plans. Wetlands Agent Newton indicated this approval includes standard conditions which address erosion control measures. She felt she can work with Mr. Wagner during field inspections.

Wetlands Agent Newton questioned Mr. Wagner what he planned to do with any excess material dredged from the basin? Mr. Wagner suggested it all came out of there; he questioned that any material will be left over.

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Chairman Savaria questioned the Commission's intention regarding this Application?

**Motion to Approve application #07-2012- Donald Wagner- to conduct a regulated activity to restore a detention basin to design specifications as per the As-Built submission on file in the Town's Planning Office for property located at 202 Main Street. Assessor's Map #101, Block #12, Lot #030.**

**This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:**

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**REFERENCED PLANS:**

- Plan/Profile Prepared for Main Bridge Associates, "As-Built" by Alford Associates, Windsor, CT. Dated Jan 1982, Latest Revision Date 1/5/88.

**Standard Conditions**

1. The Commission or its designated agent must be notified in writing no later than 48 hours prior to the commencement of permitted activities, and upon completion of said activities.
2. This Permit is valid for a period of **two (2) years** from the date of issuance. Any regulated activity approved by the Agency shall be completed **within 2 months** from the time such activity is commenced, provided the Agency may establish a specific time period within which any regulated activity shall be conducted and may require that an activity, once commenced, be completed within a time period of less than one year and further provided the Agency may extend: (1) the time period of the original permit provided such period shall not extend beyond ten years from the date such permit was granted, or (2) the time period within which an activity, once commenced, is required to be completed under this section.
3. Extensions of time may be granted if a request is made prior to the expiration of the regulated activity and/or permit.
4. The burden to extend the approved timeframe for the regulated activity (and the time period for the original permit) is on the permittee; the Town of East Windsor is not required to give notice of the permit's expiration.
5. This permit shall not be assigned or transferred without the approval of the Agency.
6. This document shall be included in all construction contracts and sub-contracts dealing with the work proposed and shall supersede all other contract requirements.
7. During the construction phase, the applicant shall be responsible for maintaining a copy of this permit at the site.

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8. The Permittee shall permit the Chairman of the Inland Wetland Agency, or its authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this Permit is in accordance with the terms and conditions prescribed herein.
9. Prior to the start of construction, adequate erosion and sedimentation control measures shall be implemented, and shall be maintained throughout the entire construction phase in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control until the site has become stabilized with permanent vegetative cover. The construction site shall be left in a stable condition at the close of each day. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair silt fences, haybales, stone-riprap filter dikes or any other devices planned for use during construction. Additional erosion control measures are to be installed as directed by the Town Staff if field conditions necessitate.
10. These permit conditions apply only to the work approved by this permit. Any other work to be done within the area of regulatory interest shall require the filing of a new or modified Inland Wetlands Application for consideration by the Commission.
11. If any alteration of the wetland/resource area does occur, the Commission shall impose such measures as it finds necessary to protect and restore those areas.
12. All temporary barriers, including erosion and sedimentation controls are to be removed (in suitable weather conditions) upon completion of the project.
13. A copy of the As-Built plan shall be submitted to this Commission/Wetland Agent upon completion of the project. The as-built will be reviewed by the wetland agent and verified in the field.
14. The Commission reserves the right to impose additional conditions on any or all portions of this project that could impact an area of regulatory interest under the Inland Wetlands and Watercourses Regulations.

**Osborn moved/Slate seconded/**

**VOTE: In Favor: Koczera/Malin/Osborn/Savaria/Sawka/Slate  
Opposed: No one  
Abstained: No one**

**MOTION: To REVERT to the Agenda schedule as posted.**

**Osborn moved/Slate seconded/VOTE: In Favor: Unanimous**

**NEW PUBLIC HEARING: 6-2012: Gardner Chapman:** Request to conduct regulated activities associated with the construction of a 480 unit luxury apartment complex. This property, which is owned by Helen Maciolek, Titus Realty, and Estate of Pauline Putriment, is located at 111 and 115 South Main Street, and 49 Phelps Road, East

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Windsor. Assessor's Map 052, Block 20, Lot 61 and 65 (111 and 115 South Main Street), and Assessor's Map 053, Block 20, Lot 52 (49 Phelps Road). (65 day application period ends July 6, 2012.

Chairman Savaria read the Hearing description. Appearing to discuss this Application were Attorney Dory Famiglietti, of Kahan, Kerensky, and Capossela, representing the Applicant; Jay Ussery, P.E. and Tim Coon, P.E. of J. R. Russo and Associates, LLC; John Ianni, M.S. Professional Soil Scientist, of Highland Soils LLC. Also present was Gardner Chapman, the Applicant; also present in the audience were Cliff Chapman, and Matthew Chapman.

Attorney Famiglietti reported they are presenting one Application, with a two-fold purpose; they are seeking a permit for regulated activities for 480 luxury apartments, and are also asking for the Commission to approve the wetlands boundary as it has been flagged by John Ianni. The property is owned by the Putriment Estate, Helen Maciolek, and Titus Realty, LLC. Gardner Chapman has an interest in purchasing the property. Attorney Famiglietti indicated she understood the Commission is waiting for a report from David Askew, of the Hartford County Soil and Water Conservation District (HCS&WCD) but they wanted to make their presentation and flush out any questions, comments, or concerns tonight so they can address them in their next presentation.

Mr. Ussery stepped forward to give the Commission, and the audience, an overview of the project. The property, which is the Lawrence Farm owned by the Putriment Family, contains approximately 170 acres with frontage on Route 5 and Phelps Road. The development includes an entrance on Route 5 across from Winton Road, which would create a 4-way intersection. To the north is property on which is located Stanton Equipment and 2 single family homes to the rear. The boundary runs adjacent to an agricultural field, then to Masons Brook (a/k/a Stoughton's Brook) and then back to the east. Mr. Ussery noted there is also another parcel which was owned by Pauline and Peter Putriment; it is to the north of the hotel and contains the Putriment home and a machine shop which has been torn down. Mr. Ussery referenced a location on the plan, and noted that going easterly Southern Auto Auction (SAA) owns a 15 acre parcel which abuts the subject parcel. Within that parcel SAA expanded their east lot and created a replication site on Tromley Road. To the east the subject parcel abuts the Morell Farm and greenhouses. The subject parcel contains a large amount of frontage on Phelps Road; SAA's parking lot with the berm in front is opposite the subject parcel. Mr. Ussery noted the subject parcel abuts the Nike Site housing, which contains 15 or 18 houses on South Road; the parcel then abuts a couple of residential parcels and then SAA's employee parking lot.

Mr. Ussery suggested the development would occur in areas which have been in agricultural uses; Phase I and Phase II would occur in areas which either are, or have been, row crops. At the front of the development – in an area where the single family homes and sheds will be removed - will be a maintenance building, mail building, club house, and pool. They are proposing construction of 480 units.

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Mr. Ussery indicated that the Zoning Regulations require the donation of Open Space, or a Conservation Area. The Regulations also allow a density bonus associated with the Open Space donation. The Applicant is proposing a Conservation Open Space area of approximately 86+/- acres which contains some wetlands and some uplands. Mr. Ussery referenced an area reflected in yellow crosshatching on the plans, noting this area is the proposed Conservation Open Space area. Mr. Ussery suggested an important feature of this development is that the proposed Conservation Open Space area associated with this development abuts and would then become part of an open space corridor running from Craftsman Road to the 350 acre Flaherty Field Trial area owned by the State on Tromley Road (which can be used for passive recreation), then on to the replication site owned by SAA on Tromley Road, then the subject proposed piece, and across Phelps Road is a fairly large amount of Open Space required of SAA by the Planning and Zoning Commission (PZC), Army Corp of Engineers (ACOE), and the Department of Energy and Environmental Protection (DEEP) during a previous development. Mr. Ussery suggested the Town would then have a large greenway or conservation area which stretches north to south on the west side of East Windsor.

Mr. Ussery indicated Mr. Ianni will address the wetlands located on the site.

Mr. Ianni listed his professional credentials and qualifications. He noted the wetlands were field delineated in November and December of 2011. He has reviewed the Russo plans and has found the field delineations to be correct. Mr. Ianni suggested the soils run from silts and clay soils on one end to sandy soils on the other end. He suggested there are a number of different environments within the site. The most significant wetlands is one associated with Stoughton Brook, which is located to the north of the subject parcel and flows westerly as it crosses under South Main Street. Terrace escarpment slopes located on the west side of the parcel are “low-angled” and vegetated and are stable. Stoughton Brook continues through the northeastern portion of the site; the flood plain in this area contains an open understory and multiflora rose. The east side of the parcel is an active cow pasture which allows the cows to get down into the brook. Mr. Ianni indicated that you “loose the flood plain to the west” as the grade flattens out. He suggested there is significant contrast between the east and west side of Stoughton Brook.

Mr. Ianni indicated that in the front there is an abandoned hay field along Phelps Road which drains to the north – as do all the wetlands on the site; they drain from Phelps Road to Stoughton Brook and then to the Connecticut River. This hayfield is mowed once or twice a year, and contains herbaceous species and multiflora rose. To the north of the hayfield is a wooded area which contains 2 dug/manmade ponds. There is a finger of wetlands that drains into the woods and feeds the farm/sedimentation pond; there are also multiple piles of material which has been dug out of the pond over the years. This farm pond connects to a second pond which has a carpet of duckweed. The first pond contains bullfrogs; “this” drains under the culvert under Lawrence Farm Road to an L-shaped deeper pond which has no outlet structure. The L-shaped pond drains north to Stoughton Brook. A steep sided channel directs water to a large wetlands in the grazing area, which is a wet meadow. Within the wetlands along Phelps Road along the grazing

field are 3 circular waterbodies – “pingos”. Mr. Ianni reported they are NOT vernal pools; they are shallow – perhaps 1’ in depth – and the cows are allowed to enter these pools. Mr. Ianni reported there are NO amphibian species in the 3 ponds/pools.

Mr. Ianni indicated there are 3 farm ponds on the edge to the east of the tilled fields which are poorly connected by berms and have a single outlet pipe. The cows are also allowed to enter into these ponds. Mr. Ianni suggested the southerly pond is susceptible to a blowout.

Mr. Ianni indicated he used the ACOE methodology to determine the importance of the wetlands. (A summarization of some of the focus points follows):

- **Groundwater discharge vs. recharge:** Mr. Ianni gave the definition of groundwater discharge vs. recharge wetlands. (See report on file in the Planning Office for specifics). He indicated the wetlands on the site are groundwater discharge wetlands; there are no recharge wetlands as Stoughton Brook is situated on bedrock and clay and has no ability to recharge.
- **Flood control/alteration:** Mr. Ianni reported there are no large areas of flood control on the property as the wetlands are associated with watercourses and act as conveyance systems. The ponds in the wooded wetlands act, to a small degree, as a flood alteration function. There is a large culvert where Stoughton Brook passes under Route 5 so there is no restriction of water flowing off site.
- **Fish and shellfish habitat:** Mr. Ianni reported that Stoughton Brook can support cold water fisheries so it would be a fish habitat. The remainder of the wetlands contain smaller ponds which, with the exception of the 3<sup>rd</sup>/deeper pond - would not be fish habitats.
- **Water quality functions:** Mr. Ianni suggested the wetlands are conveyance systems; they can’t hold the water back long enough to retain nutrients. There is a small amount of water quality benefit in the wooded wetlands, and to a limited degree, the wetlands meadows. Mr. Ianni suggested the primary function of sediment/nutrient trapping is NOT a primary function of the wetlands. Chairman Savaria questioned a comment made in Mr. Ianni’s report referencing that nutrient collection is NOT a primary function of the wetlands. Mr. Ianni suggested it’s not a primary function of the total wetlands on the site, while some nutrient collection may occur in small areas.
- **Sediment and shoreline stabilization:** Mr. Ianni suggested Stoughton Brook has stable banks, although there is some erosion where there is a lack of tree cover.
- **Wildlife habitat:** Mr. Ianni suggested he would be looking for different types of habitat and a lot of diversification. He suggested there are 3 types of grasses which occur within the grazing area. There is some wildlife habitat associated with Stoughton Brook. While most of the diversity occurs in the wooded area there is a lack of diversity of plant species over a large portion of the site. Mr. Ianni suggested you have a lot of tilled field and an open grazing field; he suggested that would not be a wildlife habitat nor would the wetlands. While you could find a host of wildlife species out there at any time based on the methodology used this is NOT a primary habitat.

- **Vernal pools:** Mr. Ianni suggested there was some potential for vernal pools in the wooded area, however, he found the pools dry during March and April and only 1/3 filled in May. Mr. Ianni indicated he did find some wood frog tadpoles but he suggested this isn't a year for a viable wet pool habit, although it has the potential to be one at another time. Mr. Ianni indicated he is still monitoring the vernal pools and will give the Commission an updated report at the next meeting. Attorney Famiglietti requested clarification that Mr. Ianni's investigation was done 180' from the uplands? Mr. Ianni replied affirmatively, noting the tilled field wouldn't be a habitat for the wood frog. Attorney Famiglietti noted the area of investigation was far outside the 100' upland area.
- **Recreational value of wetlands:** Mr. Ianni suggested there was not much potential for recreational use of the site, other than for canoeing in the ponds, hunting, perhaps some fishing or bird watching.
- **Educational/Scientific Value:** Mr. Ianni noted the grazing field allows a good view into the property but the wetlands don't have a good view; you can't see Stoughton Brook from the road. Mr. Ianni reported that the wetlands don't have an educational/scientific value.
- **Endangered species habitat:** Mr. Ianni reported they made an inquiry to the Natural Diversity Data Base (NDDB) which identified the site supports the northern leopard frog, and Horace's duskywing butterfly. Mr. Ianni reported they then hired George Logan, of REMA Ecological Services to review the property. Mr. Logan indicated the ideal time to study/investigate Horace's Duskywing butterfly is July; he hopes to have a report for the Commission for the next meeting.

Mr. Ianni concluded that the development as proposed would limit wetlands impacts to road construction, discharge of stormwater, and elimination of wetlands in the tilled field. (Note: Transcription of the minutes is a summary of Mr. Ianni's verbal testimony; see Mr. Ianni's report filed in the Planning Office for specifics).

Tim Coon, of J. R. Russo and Associates, LLC, then continued with the presentation regarding development of the site.

Mr. Coon indicated the site will be served by public water and sewer coming in off of South Main Street; the site will also be served by natural gas. The development will include an onsite drainage system; run off from the paved areas will be collected and discharged via Best Management Practices. The project will be developed in three phases:

1. Phase 1 will include the clubhouse, maintenance building, a basketball and tennis court, a portion of Lawrence Farm Lane, and the North loop and its 19 buildings.
2. Phase 2 will include the South loop and its 12 buildings
3. Phase 3 will contain the area to the east which includes the remainder of Lawrence Farm Lane, and the East Loop and the remaining buildings.

Mr. Coon indicated that Phase 1 and Phase 2 will be served by 2 basins designed as wet

ponds. The basins will be connected, with water to be piped to an outfall structure to be constructed on Stoughton Brook on the Stanton property. Mr. Coon noted property easements have been received from Mr. Stanton. Because of the topography in Phase 1 the run off from the recreational vehicle parking area will flow into a water quality swale; treatment will be provided prior to discharge; the overflow will go out over a level spreader. Phase 3 will be served by basins #3 and #4 which have also been designed as wet ponds. These basins will discharge adjacent to the intermittent stream. The plunge pools associated with Basin #4 will be located outside the wetlands. With regard to Basin #4 they will be building an outlet at the stream bed, which will cause some wetlands disturbance. Mr. Coon indicated that all the basins will be designed with excess storage. Run off from the site post-development will be less than pre-development. Mr. Coon suggested that in Phase 1 and at least part of Phase II they should be able to infiltrate roof run off and overflow into the drainage system. Within a portion of Phase 2 they expect to encounter bedrock; infiltration will not be possible in that area. Phase 3 contains sand over clay with a high water table, which may impede roof run off infiltration. Mr. Coon indicated they are proposing to monitor that area to determine the feasibility of the use of the infiltration process. Installation would occur if the feasibility is positive.

Mr. Coon indicated there are 4 areas on the site where there will be direct wetlands impact. They have considered the following alternatives to the proposed activities:

1. They will be creating the outfall at Stoughton Brook with riprap in an area which is already covered with riprap. They have considered tying into the State drainage system. The State system doesn't have capacity to handle this increased run off; to create the capacity they would have to change the size of the pipe and outlet running under South Main Street. This alternative would create a traffic disturbance as well as a wetlands disturbance.
2. In the central area of the site they are proposing a crossing where the boulevard (Lawrence Farm Lane) will cross 2 existing wetlands. They will be piping the outlet to the pond and intermittent stream. Installation of 188' of culvert will occur in the wetlands; they will be installing the pipe in the stream where the stream currently exists. Mr. Ianni interjected that this stream flows into a wet meadow. Mr. Ussery indicated that the culvert will be located between 2 phases of construction; the outlet will be where the boulevard roadway crosses the wetlands. Mr. Ussery referenced the location being discussed, noting the ditch flows out into the wet meadow to the north. Mr. Coon indicated they looked at using the existing farm road through the wooded wetlands but the width of the road would be the same and with the crossings as proposed they would be crossing at the area of eroded channels; they felt impact would be less as proposed.
3. Mr. Coon indicated installation of the outlet for Basin #4 will be done at the stream bed. Mr. Ussery noted that Basin #4 is proposed to be located within the grazing field. It was noted some minor wetlands disturbance is anticipated but will prevent erosion of the stream bank.
4. Mr. Coon indicated fill will occur in the area of the tilled field. Mr. Ussery suggested units #37, #35, and #38 will be constructed in an area where the finger

of wetlands in the field conveys water to the wetlands. Chairman Savaria noted that rye doesn't grow well in that wetlands. Mr. Ussery clarified that "by definition the area doesn't have vegetation in it". Mr. Coon suggested the area isn't stabilized and was subject to erosion, and pesticides from the agricultural farm field. The area will be filled to construct the units. The filling may provide a benefit to the wetlands to the west by eliminating the source of pesticides, etc. Mr. Ianni suggested they are pulling back the drainage discharges from the edge of the wetlands; he anticipates that activity will cause the same amount of wetlands disturbance. Mr. Ianni suggested this is an agricultural area which has had problems establishing a cover crop last year because of the wet conditions. The cover crop didn't go in until December.

Attorney Famiglietti suggested there is a fair amount of wetlands but it has limited value; there are some functions and values but it's lower than others that might be elsewhere. The site has wetlands which have been compromised by decades of farming. If you do nothing you will have wetlands which will continue to be eroded. If the development did happen it would open the door to an exciting possibility of extending an Open Space corridor for passive recreation.

Regarding consideration of prudent and feasible alternatives Mr. Ianni reported that none of the proposed activities will have an adverse impact on the wetlands. They talked about an alternative location for the road; this is the most prudent location for the outfall pipes.

Attorney Famiglietti requested feedback from the Commission.

Chairman Savaria requested comments from the Commissioners.

**Commissioner Roloff:**

- **referenced Mr. Coon's comments about run off from the RV parking area will percolate through the riprap:** She indicated she has seen too many people who open up their sewer line in the parking lot. Chairman Savaria suggested the Commission will need a detailed description of how the Applicant plans to handle this area. Mr. Coon clarified the intent is for an RV storage area; he hoped people would discharge their sewage before they come home. Commissioner Roloff requested the use of some other material beside riprap to absorb the run off. Mr. Ianni suggested the purpose of the riprap is to combat erosion; the scour hole is to collect sediment. Commissioner Roloff continued to request an alternate material. Mr. Ussery questioned if she was concerned with aesthetics? Commissioner Roloff replied affirmatively, suggesting the Applicant is proposing luxury apartments; do you want it to look like the condos down the street? Mr. Ussery suggested they could investigate the use of a granite material which looks like trap rock, and could install some plantings. Mr. Ianni countered that the problem with vegetation is to get it to establish.
- **What is the estimated volume into Stoughton Brook?** Mr. Coon suggested the peak discharge is in the drainage report. He suggested it was designed for a 10 year storm. At the outfall at Stoughton Brook the peak flow for a 10 year storm is

anticipated to be 26.3 cf/second; at the outfall for Basin #3 the peak flow will be 10.2 cf/second; and at Basin #4 the peak flow will be 3.5 cf/second. Chairman Savaria suggested the Commission will be looking to Town Engineer Norton for direction regarding the run off calculations.

- **Will the tree line along Stoughton Brook be cleared?** Mr. Coon replied negatively.
- **The location of Building #29?** Mr. Coon indicated it will be to the south of the tobacco shed.

**Commissioner Sawka:**

- **What will happen to the 67 acre Conservation Easement; will it just grow wild?** Mr. Ianni reported it will be rented to be maintained as grazing land for the cows; if it's not used as a pasture it will be maintained as a grassland habitat for birds which will be mowed every second year after a killing frost.
- **What is happening where the watercourse goes up to Route 191/Phelps Road and goes into the sedimentation pond?** Mr. Ussery indicated there is a pipe which goes under Route 191, they would have a basin in the parking lot which will go into a culvert, then into the sedimentation pond, and then into the intermittent stream to the north.

**Commissioner Malin:**

- **Will the units have a basement or be built on slabs?** Mr. Ussery indicated they would be built on slabs.
- **Regarding use of wetlands for a recreation area, could something be done with the hayfield on Phelps Road? When Walmart applied they offered remediation elsewhere in town for loss of wetlands on their development site; could something like that happen here?** The design team offered no opinion at the meeting.

**Commissioner Slate:**

- **Noted the mention during the presentation of a verbal agreement with Mr. Stanton; has that agreement been formalized in writing?** Attorney Famiglietti referenced letter dated 4/27/2012 from Mr. Stanton to the Planning Department which indicated Mr. Stanton's permission; Attorney Famiglietti READ THE LETTER FOR THE RECORD. She suggested the agreement has not yet been formalized.

**Commissioner Koczera:**

- **Conservation Easement vs. farm use:** Commissioner Koczera suggested he would like to see it changed for the land to be used for farming only rather than a Conservation Easement. He cited East Windsor is known for farming; the hay could be taken off once or twice a year.
- **With regard to dumping oil (in the parking lot[?]):** Commissioner Koczera suggested he believes that "there is a clause in the lease that if there are oil spills they get rid of that person".

**Commissioner Osborn:**

- **Regarding the easement for the drainage to Mason's Brook:** Commissioner Osborn noted a lot of that area has been filled, even where the Stanton property is. He questioned if any testing has been done to determine what type of material is in there, and what's the possibility of erosion of that material? Mr. Ussery indicated they are aware of what has gone on at the Stanton property and have a pretty good idea of the issues with regard to slope slippage. They have spoken to Clarence Welti regarding recommendations.
- **Construction in the upland review area:** Commissioner Osborn noted the Inland Wetlands Regulations requirement for a 150' upland review area. He noted 25 buildings are proposed to be constructed in the upland review area. Attorney Famiglietti suggested it's important to keep in mind that the upland review area isn't a prohibition for building. She suggested the Commission must look at the impact on the wetlands; some of the upland review area is already disturbed. Commissioner Osborn clarified that there would be an impact on the wetlands; whether they are considered valuable enough is another thing.
- **Proposed Conservation Easement:** Commissioner Osborn indicated he would hate to see that land grow up into multiflora rose. He also didn't feel the other SAA area (on Tromley Road) was that attractive. He suggested he would rather see a hayfield or pasture, or something else.

**Chairman Savaria:**

- **questioned the intent for the grazing area in the southern area?** Mr. Ussery suggested that area is a hay lot which is difficult to maintain; the Chapmans will mow it a couple times a year and use the hay for mulch. Chairman Savaria clarified that if the intended use of that area is for cattle grazing the use didn't meet the intent of a Conservation area. The Commission's intent is to leave an area in its natural state so people could walk through it. Attorney Famiglietti suggested they may need to pursue use as a grassland area. Chairman Savaria indicated that a grazing field isn't necessarily a bad idea, but easement language would have to be revised. Attorney Famiglietti questioned if the use would qualify under the Zoning Regulations? Wetlands Agent Newton suggested she didn't feel the area could remain an open pasture. From a wetlands standpoint, Wetlands Agent Newton didn't know if she would support that use because it would cause erosion, and, it wouldn't then continue the Open Space corridor. Mr. Ianni suggested the intent was to fence off the area along the brook to minimize erosion. Commissioner Sawka suggested it's a major project to maintain the 67 acres. Mr. Ianni felt it just needs to be mowed to keep the woody vegetation out, and for the mowing to be done after a killing frost for the nesting birds.

**MOTION: To TAKE A FIVE MINUTE BREAK.**

**Osborn moved/Koczera seconded/VOTE: In Favor: Unanimous**

The Commission RECESSED at 8:45 p.m.

**MOTION: To COME OUT OF RECESS AT 8:50 p.m.**

**Koczera moved/Osborn seconded/VOTE: In Favor: Unanimous**

Chairman Savaria queried the Commission for additional comments; no one raised any other comments at this time.

Chairman Savaria had submitted a list of 13 questions prior to this Meeting; Mr. Ussery suggested they will address those comments at the next meeting. Chairman Savaria indicated he had a few additional questions.

**Chairman Savaria:**

- **Regarding the 3 ponds:** Chairman Savaria suggested the last pond has a marginal embankment, which looks pretty clear and not overgrown. Will the ones in the south central wetlands remain? Mr. Ussery suggested they are not doing anything with the 2 ponds in the wooded wetlands. The L-shaped pond has some recreational value; they would like to clean up around it and make it more acceptable and more visible. Mr. Ussery indicated it's a flat dug pond; he felt it did have some value and has fish in it. With regard to the other 2 ponds they don't have any plans to do much with them other than fencing them off from the cows to reduce the erosion problems. Mr. Ussery suggested they could enhance them with plantings, or take recommendations from the Commission.
- **What about the areas not in the Conservation Easement?**
- **Alternatives:** Chairman Savaria suggested the Applicant didn't mention moving, or eliminating, some of the buildings.
- **Scour hole:** Chairman Savaria cited concern with this proposal; he is looking for confirmation from Engineer Norton.
- **Farming or other activities in the Conservation Easement:** Needs more discussion.
- **2 ponds in the wooded area are not shown on the plans. What are the plans for maintenance of these ponds?**
- **The area between building #37 and Building #38 was clearly defined and stands out, and is working as a wetlands in some form or other.**
- **Endangered species:** Chairman Savaria cited the Applicant is looking into this issue further.

Chairman Savaria cited the complexity of the Application. Wetlands Agent Newton cited Section 19.3 of the Inland Wetlands Regulations gives the Commission the ability to hire its own experts/consultants on applications. Communication to the Applicant from the Natural Diversity Data Base (NDDB) has indicated 2 species of interest on, or near, the subject property. She has spoken with David Askew (of the HCS&WCD) regarding consultants. She has one quote from Connecticut Ecosystems, LLC (Edward Pawlak) whose study will address the northern leopard frog. Mr. Pawlek's fee is for \$2,000, which doesn't include mileage or appearance at Commission Meetings. She has a call in to David Wagner of UCONN who specializes in the study of moths and butterflies. She

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has not yet received a quote from Mr. Wagner.

Wetlands Agent Newton recommended the Commission consider hiring its own experts/consultants for this Application. The cost of the investigation would be charged to the Applicant via a Complex Application Fee. Based on the cost of the single quote Wetlands Agent Newton suggested the Commission consider charging \$5,000 for the Complex Application Fee. That fee would be deposited into an account from which costs are withdrawn as necessary. Should a balance remain those funds would be returned to the Applicant.

Attorney Famiglietti suggested the Applicant could also use the Commission's expert as the consultant for the project.

Mr. Ianni objected; he questioned why the need to spend twice the cost? He indicated they had received a quote from Mr. Pawlek also. Wetlands Agent Newton clarified that the Applicant's consultant is their consultant; the Commission has the right to hire its own consultant. Mr. Ianni questioned if the Commission had an objection to George Logan; what if they hired someone else? Wetlands Agent Newton suggested everyone is a professional with their own opinion; there are many situations where the Commission and the Applicant have different experts and there could be different opinions. She suggested that as 2 different species were identified it's a benefit for the Commission to have their own consultant. The Regulations allow it; Wetlands Agent Newton felt it was necessary for this Application. Wetlands Agent Newton requested a wildlife investigation be done for the northern leopard frog and the Horace's Duskywing Butterfly for this Application.

Chairman Savaria noted the report must be ready for the next Commission Meeting.

Mr. Ianni indicated it's difficult because they got a much better price. On behalf of the Applicant Mr. Ianni objected strongly because they have a qualified professional they are hiring for their expertise, not their opinion. He suggested the Applicant would be spending \$4,000 – Mr. Pawlek is charging \$2,000 plus travel time – plus the cost of the guy from UCONN. Mr. Ianni felt the Applicant is being hit with a higher price.

Commissioner Roloff cited her qualifications/credentials in environmental science and chemistry and noted she wouldn't consider herself an expert to go out in the field to look at the butterfly. Mr. Ianni suggested all the information is going to DEEP; and if they are not satisfied the Applicant would have to do the investigation again.

Chairman Savaria clarified that Regulations say the Commission can hire the consultants. Wetlands Agent Newton has recommended the Commission hire its own consultants, and the Commission follows her recommendations.

Attorney Famiglietti questioned if the Applicant could have a copy of the Commission's report? Wetlands Agent Newton replied affirmatively.

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Attorney Famiglietti questioned the timeframe for submission of the report? Wetlands Agent Newton noted the Inland Wetlands Regulations require that at any time additional information is to be submitted to the Board it must be submitted 6 days prior to the Commission's Meeting; it CAN NOT be submitted at the Meeting. Wetlands Agent Newton noted the Commission would give the same courtesy to the Applicant.

For clarification Wetlands Agent Newton referenced her memo of 5/25/2012 which specifies outstanding information:

1. No alternatives shown on plan; no explanation of alternates considered.
2. Wildlife Assessment remains pending.
3. Written report of vernal pools not received.
4. Capacity approval from the WPCA is outstanding.

Attorney Famiglietti questioned that the capacity letter should come from the WPCA? Wetlands Agent Newton suggested the letter would come from the WPCA with regard to sewer capacity; the North Central Health Department (NCHD) would comment on septic systems.

Commissioner Roloff questioned if there is information available on the amount of square footage of wetlands disturbance? Attorney Famiglietti suggested that information is listed in the narrative.

Chairman Savaria indicated he would open discussion to the public, noting this is a Wetlands Meeting; he can only take input on wetlands issues. Should residents have other questions they should attend meetings of the Planning and Zoning Commission (PZC) and raise their questions at that time.

**MOTION: To OPEN THE PUBLIC HEARING at 9:15 p.m.**

**Koczera moved/Slate seconded/VOTE: In Favor: Unanimous**

**Deborah T. Barlock, 76 Phelps Road:** Ms. Barlock indicated she is formerly a Titus. Currently there is a culvert underground at Phelps Road. As far as she knows" this one" always ran this way, and "this one" - the pond is so overflowed it backs up. If you put a basin in she wanted to know what the impact on her property will be? Mr. Ussery indicated there are culverts at both locations she mentioned. The flow is from south to north, to Stoughton Brook and then west under Route 5. Any discharge from Basin #4 and #3 would go into the westerly section of the intermittent stream and will go to the north. They are not outletting into the intermittent watercourse near her house. Mr. Ussery noted he has walked the watercourse numerous times; there was considerable flow which goes north. Nothing is being done that will impact the properties on the south side of Phelps Road.

Ms. Barlock suggested she has lived there all her life; the pond is fuller than ever. She knows the property well because her father farmed it and could only grow corn due to the wetness, and left some as pasture and some was left as hay due to wetness. Making it a

farm property wouldn't be viable. Her septic system has problems pumping water now and she is concerned her property wouldn't be habitable. Mr. Ussery suggested if there is water on the south side it may be due to lack of maintenance by DOT. Chairman Savaria suggested to Ms. Barlock that it did seem like the project wouldn't impact her. Commissioner Osborn suggested he was skeptical. If they get a large rainstorm it will back up and if the culvert fills up - it should be cleaned out before Phase III is commenced. Mr. Ussery suggested he would provide elevations at the discharge points, at the culverts, and maybe at Ms. Barlock's house and the roadway so she could see the difference.

Chairman Savaria suggested Ms. Barlock attend the next Commission Meeting when information from Town Engineer Norton will be available. He suggested Ms. Barlock attend the PZC Meetings as well.

**Debbie Bartlett, 34 Phelps Road:** Ms. Bartlett indicated she has well water; will development affect her well? Mr. Ussery noted Ms. Bartlett lives across from the old Army housing; she does have well water although there is city water available which Ms. Bartlett doesn't want. Mr. Ussery questioned if it was a shallow, or a dug well? Ms. Bartlett didn't know. Mr. Ussery suggested they will look at her situation, and perhaps have Dr. Welti look also. Ms. Bartlett suggested she has not had problems with the well. Commissioner Koczera questioned if they would be doing any blasting, as that could crack a well? Mr. Ussery indicated they hoped not to be blasting. **Ms. Barlock** indicated she had a well also. Mr. Ussery suggested the water main goes up to SAA's east lot, which brought the water line to Debbie Bartlett's property but not to Debbie Barlock's.

**Alice Simpson, 78 Phelps Road:** Ms. Simpson suggested the water comes onto their property more since SAA built their property; everything floods into their (the Simpson's) property. She cited tobacco was grown there; will this development bring anything into their wells? Chairman Savaria suggested the Applicant is saying everything goes north. Mr. Ussery reiterated he will bring in the elevations, but he didn't see anything they would be doing would affect the stormwater runoff to affect Ms. Simpson's property. Mr. Ussery suggested the runoff will be doing the same thing it's doing today. He cited concern with DOT maintenance again. Ms. Simpson suggested groundwater is groundwater; she suggested the State is checking their wells. Chairman Savaria suggested that sounded like a chemical concern; he noted he saw someone spraying the fields. He questioned how long ago were the fields used for tobacco? Mr. Ussery suggested there were sheds there for many years. Chairman Savaria questioned what type of chemicals would have been used for tobacco? Mr. Ussery suggested edb. Chairman Savaria questioned if any testing was done on the subject site? Mr. Ussery was not aware of any chemical testing. **Ms. Barlock** recalled a previous farmer spilling something that killed her lilacs.

Commissioner Roloff suggested she would like to see testing done because they will be disturbing the soil and there will be runoff and digging.

**Pat (Pasquale) Mazzone, 107B South Main Street:** Mr. Mazzone cited he lives 10' from the farm; he knows what has been going on there. Tribble thought of buying the piece and had soil tests done all over the farm, and then dropped out of the purchase. He questioned if the Town had that report? Mr. Mazzone cited they found 15 dead sheep on the farm, which were then buried. And the trucks from Putriment's machinery shop dumped back there. There are a lot of cars buried back there. Mr. Ussery reported he has walked the property; every farm has a farm dump. He suggested there is nothing to get really excited about.

Attorney Famiglietti suggested she understood the Hearing will be continued to allow responses to the questions/concerns and to allow submission of the additional reports. She noted she would not be available for the Commission's Meeting on July 11<sup>th</sup>; she questioned if the Commission would consider holding a Special Meeting and cancel the Regular Meeting? She suggested no one else in the office is up to speed on this project. Wetlands Agent Newton suggested she isn't available the second week. Wetlands Agent Newton questioned if the testing could be done for the first week; Mr. Ussery felt they could respond by that time as the testing shouldn't take that long.

Wetlands Agent Newton noted the Commission would need an extension from the Applicant to get to the July 11<sup>th</sup> date. Attorney Famiglietti indicated they will give the Commission the extension.

**MOTION:**    **To CONTINUE THE PUBLIC HEARING for Application 6-2012: Gardner Chapman: Request to conduct regulated activities associated with the construction of a 480 unit luxury apartment complex. This property, which is owned by Helen Maciolek, Titus Realty, and Estate of Pauline Putriment, is located at 111 and 115 South Main Street, and 49 Phelps Road, East Windsor. Assessor's Map 052, Block 20, Lot 61 and 65 (111 and 115 South Main Street), and Assessor's Map 052, Block 20, Lot 52 (49 Phelps Road). PUBLIC HEARING CONTINUED TO THE COMMISSION'S REGULARLY SCHEDULED MEETING ON JULY 11, 2012, at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.**

**Koczera moved/Slate seconded/**

**VOTE:**        **In Favor: Koczera/Malin/Osborn/Savaria/Sawka/Slate**  
                 **Opposed: No one**  
                 **Abstained: No one**

**OLD BUSINESS/1) East Windsor Cemetery Association – Springdale Cemetery, Warehouse Point – Cease and Desist Order for Conducting a Regulated Activity without a Permit: \***

Chairman Savaria acknowledged this Item of Business. Mr. Ussery and Mr. Burnham, of the East Windsor Cemetery Association, joined the Commission at the table.

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Discussion followed regarding the notation of the asterisk on the Agenda, which indicates no updated material had been received prior to the Meeting by the Planning Office. Mr. Ussery indicated they were present on other business; he can offer the Commission an update on this site.

Mr. Ussery, of J. R. Russo and Associates, LLC, stepped forward and offered an update. Mr. Ussery submitted a report dated 5/31/2012 from Dr. Clarence Welti, P. E., P. C. entitled "*Geotechnical Study to Provide Recommendations for Reconstruction of Failed Slope at Springdale Cemetery, Main Street, East Windsor, CT.*" Accompanying Mr. Ussery was Dan Burnham, President of the East Windsor Cemetery Association.

Mr. Ussery reported that in response to the slope failure J. R. Russo and Associates has developed a repair plan to restore the slope and driveway. They hired Dr. Welti to do borings and make recommendations (see Dr. Welti's report in the Planning Office for detailed information). Russo's plan calls for riprap to be placed at the toe of the slope; the riprap will come up to the back of the slope to the edge of the driveway. Dr. Welti has recommended grading the slope at 2 ½ : 1. They will be adding a catch basin, a drainage outlet, and a piece of curbing to the driveway.

Mr. Ussery reported that another issue with this repair is that part of the slope failure occurred on land owned by DOT. Mr. Ussery reported they met with DOT District One for review of the plan. District One may issue an Encroachment Permit for a grading easement to the Cemetery Association to allow work for the drainage outlet within the State Right-Of-Way. Mr. Ussery noted they are still working with DOT and hope to have a response in a month. The project would then go out to bid.

Mr. Ussery indicated there is no disturbance anticipated within the wetlands, which were delineated by John Ianni. All work will occur within the 150' regulated area; the drainage outlet will flow into the brook.

Mr. Ussery reported Town Engineer Norton and Wetlands Agent Newton have not yet seen the plans, as they are a work in progress.

Town Engineer Norton, who was present in the audience, questioned if Mr. Ussery or the Cemetery Association had received any response from FEMA regarding partial reimbursement of the project cost; some of the failure may be attributable to the October storm. Mr. Ussery reported the last communication he had with FEMA was with Mr. Nelson; he has had no follow up response from Mr. Nelson's replacement.

Commissioner Sawka suggested they leave the slope as it is to see if it stabilizes by itself. He suggested if FEMA won't help with the cost the project it will cost the Town a lot of money. Mr. Ussery indicated he didn't feel the slope could be left in its current condition as some of the road drops off 4', and part of the cemetery isn't useable. Commissioner Sawka indicated he has seen the slope; he suggested putting top soil on it. He felt Town was just throwing money into this issue; he suggested there is a simple way of doing this

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or a costly one. He suggested they fix the road and see what will happen. Mr. Ussery suggested FEMA/Mr. Nelson did say they will pay for a portion of it – maybe 60% - as it would be covered under that storm issue.

End of update; no plan submission.

**OLD BUSINESS/2) Emilio and Adeline Parente – 284 South Main Street, East Windsor, CT. - Cease and Desist Order for Conducting a Regulated Activity without a Permit: \***

Chairman Savaria acknowledged this Item of Business, which had been identified on the Agenda with an asterisk – indicating no updated information had been submitted to the Planning Office prior to the Meeting.

Mr. Ussery indicated he can offer an update on this site as well. He reported they had Dr. Welti look at this site as well: Dr. Welti has made recommendations. Mr. Ussery reported they have developed a plan for the repair. Mr. Parente added top soil and seeded the slope and thought maybe it would hold, but it's slipping again. Dr. Welti has recommended grading the slope back to 2:1. Mr. Ussery indicated they have developed a grading plan on which the wetlands have been delineated; he will provide a copy of the plans to Wetlands Agent Newton and Town Engineer Norton for review.

Chairman Savaria requested that the plan be submitted to the Planning Office.

Commissioner Koczera questioned the height of the slope? Mr. Ussery suggested it's approximately 12' vertically. Commissioner Koczera questioned the installation of a wall; Mr. Ussery indicated that would be expensive as it might be 100' long.

Mr. Ussery reported he didn't feel any of the slippage is in the wetlands; it may be close but it's not in it.

End of update; plans to be submitted.

**OLD BUSINESS/3) ORDER-Donald Wagner – Activities at 202 Main Street, East Windsor – Violation of IWWA Regulations Sections 4 and 6, AND, Exceeding the Scope of Work Permitted in Permit No. 1371:**

Wetlands Agent Newton reported that the Commission needs to vote to remove the Cease and Desist Order issued against Mr. Wagner as Application #7-2012 has been submitted and the permit approved.

**MOTION: To LIFT THE CEASE AND DESIST ORDER DATED MARCH 27, 2012 ON DONALD WAGNER for activities at 202 Main Street, East Windsor.**

**Osborn moved/Slate seconded/**

**VOTE: In Favor: Koczera/Malin/Osborn/Savaria/Sawka/Slate  
Opposed: No one  
Abstained: No one**

**MISCELLANEOUS/East Windsor Cemetery Association – Scantic Cemetery,  
Cemetery Road, East Windsor - INFORMAL DISCUSSION.**

Chairman Savaria acknowledged this Item of Business. Appearing for the informal discussion was Jay Ussery, of J. R. Russo & Associates, LLC, and Dan Burnham, President of the East Windsor Cemetery Association.

Commissioner Osborn did not step down as this will be an informal discussion of activities at the Scantic Cemetery.

Mr. Ussery reported that the Cemetery Association had been in for a permit to install a driveway as an alternate access to the cemetery. The permit was granted, but the driveway has not been built yet. The current road is narrow; at the time of the application the Commission questioned why the Cemetery Association didn't widen the existing driveway? Mr. Ussery indicated there were graves to the right of the road, and land to the left was in private ownership. In the meantime the Cemetery Association has been working with the Tyler family who owns the property to the left. They have now come to an agreement to convey a small piece of land to the Cemetery Association or the Town to widen the driveway. Mr. Ussery indicated the Board of Selectmen (BOS) must approve the sale or conveyance of the land. At the BOS Meeting at which this conveyance was discussed Wetlands Agent Newton submitted a letter indicating this permit is in jeopardy because the Cemetery Association used that as not having an alternative for the activities requested under the permit issued. Mr. Ussery indicated he didn't understand the letter and was argumentative at the BOS Meeting, but he now understands; they do have an alternative and has a plan reflecting that.

Mr. Ussery indicated the question is does the Cemetery Association still need the crossing proposed under the permit issued? Mr. Ussery suggested Mr. Burnham and the Cemetery Association still would like that crossing which was proposed at 18' wide. There is still only one ingress/egress and now think it could be less so they are now proposing the crossing to be 10' wide. Mr. Ussery questioned what they need to do to accept the other piece of land which would prevent a wetlands impact at the road? Could they come back with a permit modification? Wetlands Agent Newton replied affirmatively.

Mr. Ussery indicated the widening of the existing driveway to 22', and the land from the Tylers, works well; they would now have a 2 car access. They would like to widen the road to the top of the hill, and at the wetlands crossing, but they won't disturb the wetlands because there is enough area to add fill on the shoulder of the driveway. Chairman Savaria questioned if the wetlands was an active watercourse? Mr. Ussery

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replied affirmatively but suggested they will be working in the shoulder without filling in the wetlands.

Wetlands Agent Newton noted there is pavement which has been dumped along the road. She also felt it would be beneficial while everyone was together – the Commissioners, Mr. Ussery, and Mr. Burnham – to discuss the issues and the process. Wetlands Agent Newton suggested that anything near the terrace escarpment slopes, wetlands, and upland review area – stock piles, dumping of tree limbs or grass clippings - require her review, and probably referral to the full Board. Wetlands Agent Newton suggested if Mr. Burnham has any questions as to what they can, or can't do, to ask the Board now. Mr. Burnham suggested he was duly noted; he was good. Wetlands Agent Newton questioned that they were no longer dumping on the slopes of Springdale Cemetery? Mr. Burnham indicated he told them they couldn't dump there.

Mr. Ussery referenced a location and suggested that when "this" gets built it will be a maintenance access with a gate; it wouldn't be used every day. Mr. Burnham indicated that the Cemetery Association also felt it would be good to have as an emergency access.

Discussion of the permit modification continued. Mr. Burnham suggested "this" is the East Windsor Cemetery Association's property. Mr. Ussery felt "they" wouldn't look at it that way.

The Commission considered taking an informal vote on the proposal for a permit modification. Commissioner Koczera noted his personal friendship with the Tyler family; should he step down? Chairman Savaria and Wetlands Agent Newton felt if he could be objective then he could be included in the vote. The consensus of the Commission favored the consideration of a permit modification; Commissioner Osborn noted he couldn't vote as he is a member of the Cemetery Association.

Mr. Ussery noted the wetlands delineation work was done a couple of years ago by Michael Gragnolati (who has recently passed away); should the delineations be reviewed by John Ianni? Wetlands Agent Newton noted she and David Askew (of the HCS&WCD) walked the site and looked at the wetlands and watercourse; she didn't feel another review of the delineations was necessary based on what they saw.

**AGENT DECISIONS:**       None

**STATUS REPORTS:**       None

**CONFERENCES/ SEMINARS/ TRAINING:**

- \* Chairman Savaria noted he recently attended Session I of the Wetlands Training course; he would recommend it for other Commissioners. He noted cds are also available to review the material online. Wetlands Agent Newton suggested she will review dates for the availability of the meeting room to do inhouse training.

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- \* Wetlands Agent Newton noted she had provided copies of recent court cases and steps for enforcement in the Commissioner's packets. She recommended they read:
  - The Supreme Court ruling of Taylor vs. the Conservation Commission for the Town of Fairfield: It addresses the issue of granting an As-Of-Right Exemption for farm roads. She noted if someone is going to use any type of fill for the road, or building construction not associated with farming, it isn't an exemption.
  - The Avalon Bay case (AvalonBay Communities, Inc. vs. Inland Wetlands & Watercourses Agency of the Town of Stratford): When looking at an application always ask questions and get the answer on the record; also ask the expert to make the connection on the record.

**CORRESPONDENCE:**      None

**GENERAL BOARD DISCUSSION:**

Commissioner Koczera suggested that someone sold their property in the flood plain near the Scantic River to the U. S. Government, and now it's like a reservation. Commissioner Koczera suggested that person didn't want anyone walking on his property; was that comment true? Wetlands Agent Newton suggested the deed would need to be reviewed to determine if there were any restrictions.

**PUBLIC PARTICIPATION (Discussion on non-Agenda items only)**

No one requested to speak.

**ADJOURNMENT:**

**MOTION:    To ADJOURN this Meeting at 10:18 p.m.**

**Osborn moved/Sawka seconded/VOTE: In Favor: Unanimous**

Respectfully submitted: \_\_\_\_\_  
Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission  
(10279)